

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Robert Barefield v. Ford Motor Company	:	C.A.No. 2:02 CV 02682
Robert Hess v. Ford Motor Company	:	C.A.No. 2:02 CV 02763
Gerald Kelly v. General Motors Corporation	:	C.A.No. 2:02 CV 02884
Donald Hood v. Daimler Chrysler	:	C.A.No. 2:02 CV 02940
James Rocks, Jr. v. Daimler Chrysler	:	C.A.No. 2:02 CV 02966
Charles Hartman v. Daimler Chrysler	:	C.A.No. 2:02 CV 02967
Joseph Reed, III v. Daimler Chrysler	:	C.A.No. 2:02 CV 02971
Dennis O'Donnell v. Daimler Chrysler	:	C.A.No. 2:02 CV 03533
Joseph Smith v. General Motors Corporation:		C.A.No. 2:02 CV 03559
John MacAuley v. Daimler Chrysler	:	C.A.No. 2:02 CV 03832
George Rowland v. Ford Motor Company	:	C.A.No. 2:02 CV 03855
Dolores Alibert v. Ford Motor Company	:	C.A.No. 2:02 CV 04025
Delmer Hammond v. Daimler Chrysler	:	C.A.No. 2:02 CV 04409
Harry Brassill v. Daimler Chrysler	:	C.A.No. 2:02 CV 04413
Donald Small v. General Motors Corporation:		C.A.No. 2:02 CV 04479
Richard Meyer v. Daimler Chrysler	:	C.A.No. 2:02 CV 04480
Donald Nees, Sr. v. Daimler Chrysler	:	C.A.No. 2:02 CV 04730
James McElhiney v. Daimler Chrysler	:	C.A.No. 2:02 CV 05317
Jerry Delgaudio v. Daimler Chrysler	:	C.A.No. 2:02 CV 05318
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O R D E R

\_\_\_\_\_This Court has previously administratively dismissed these cases pending the determination of certain issues by the Bankruptcy Court. Those issues having now been resolved, these cases are hereby reinstated for the purpose set forth herein.

These cases were originally filed in the Pennsylvania State Court of Common Pleas for the County of Philadelphia, and subsequently removed to the United States District Court for the Eastern District of Pennsylvania. The removal was predicated upon the theory of "related to" bankruptcy jurisdiction, vis-a-vis the bankruptcy filing in the United States District Court for the District of

Delaware by Federal Mogul Corporation or the bankruptcy filing by Armstrong World Industries. A large number of similar cases were directly transferred or removed to the Bankruptcy Court in Delaware the Third Circuit designated the Honorable Alfred M. Wolin as the presiding judge. Having completed an extensive briefing and hearing process, Judge Wolin, on February 8, 2002, issued his ruling that the Bankruptcy Court lacked jurisdiction in these matters and thereupon ordered their transfer back to the various state courts. The order was appealed to the United States Court of Appeals for the Third Circuit and on July 31, 2002, Judge Slovitor issued the Court's opinion upholding Judge Wolin's decision. The Supreme Court denied cert and all avenues for appeal appear to have been exhausted by the parties.

The action before this Court is similarly situated with regard to its removal from the state court. The Court can find no reason not to comply with Judge Wolin's decision as it relates to the removal of this case to the federal court.

IT IS ORDERED that these cases are hereby reinstated and remanded to the State of Pennsylvania Court of Common Pleas for Philadelphia County from whence they were removed to this Court.

DONE this 21<sup>ST</sup> day of February, 2003.

BY THE COURT

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Charles R. Weiner S.J.